

EXHIBIT DD

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLENE CARTER,)	
Plaintiff,)	
)	
vs.)	Case No.
)	3:17-cv-02278-X
SOUTHWEST AIRLINES CO., AND)	
TRANSPORT WORKERS UNION OF)	
AMERICA, LOCAL 556,)	
Defendants.)	

ORAL VIDEOTAPED DEPOSITION

ED SCHNEIDER

November 3, 2020

(Reported Remotely)

+++CONFIDENTIAL+++

ORAL VIDEOTAPED DEPOSITION OF ED SCHNEIDER,
produced as a witness at the instance of the
Plaintiff and duly sworn, was taken in the
above-styled and numbered cause on November 3, 2020,
from 10:00 a.m. to 2:55 p.m., before Cheryl Duncan,
CSR in and for the State of Texas, reported by
computerized stenotype machine in Parker, Colorado,
pursuant to the Federal Rules of Civil Procedure, the
First Emergency Order regarding the COVID-19 State of
Disaster, and the provisions stated on the record or
attached hereto.

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Mack Spurlock, Videographer
Lauren Armstrong
Charlene Carter

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1 PROCEEDINGS

2 THE VIDEOGRAPHER: We are now on
3 record. Today's date is November 3rd, 2020. The
4 time is 10:00 a.m. central.

5 Will the court reporter please swear
6 in the witness.

7 ED SCHNEIDER,
8 having been first duly sworn, testified as follows:

9 EXAMINATION

10 Q. (BY MR. GILLIAM) Good morning,
11 Mr. Schneider.

12 A. Good morning.

13 Q. My name is Matt Gilliam, and I represent
14 plaintiff Charlene Carter in this case. And I'm here
15 today to ask you questions about the case, Carter V
16 Southwest Airlines Company and Transport Workers
17 Union of America, Local 556. If at any point you
18 need a break, just let me know. I assume you've been
19 deposed before.

20 A. I have not.

21 Q. You have not been deposed, okay.

22 So when I ask you questions, if you
23 could, just answer them to the best of your ability.
24 Since the reporter is preparing a written transcript,
25 it's important to give clear verbal messages, no head

1 nods, no gestures, no "uh-huhs" and "huh-uhs."

2 Similarly, we have to make sure that
3 we don't talk over each other. So I'll do my best to
4 try not to talk over you, let you finish your, your
5 answer before I ask another question. Similarly, if
6 you could make sure that I finish my question before,
7 before you answer. That way, we can keep the record
8 clear.

9 Have you read the complaint in this
10 case?

11 A. I am aware of it, yes.

12 Q. Okay. Are you familiar with the claims
13 that Ms. Carter's made against TWU Local 556 and
14 Southwest Airlines?

15 A. Yes.

16 Q. Okay. And you, you work at Southwest; is
17 that correct?

18 A. Yes.

19 Q. And what is your current position at
20 Southwest Airlines?

21 A. I'm the inflight base manager for the
22 Denver base.

23 Q. Okay. And how long have you been in that
24 position?

25 A. Three and a half years.

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1 Q. Okay. And you were Denver base manager
2 when Charlene was terminated?

3 A. Yes.

4 Q. Okay. And how long had you been in that
5 position when, when Charlene was terminated?

6 A. About eleven months.

7 Q. Okay. So did you, did you become Denver
8 base manager in 2016?

9 A. 2017, January.

10 Q. January of 2017, okay.

11 And what, what were you doing before
12 you became Denver base manager with Southwest?

13 A. I was the assistant base manager in
14 Phoenix, Arizona.

15 Q. Okay. And who did you report to there in
16 Phoenix as assistant base manager?

17 A. Deborah Edwards, the base manager.

18 Q. Okay. When you worked in Phoenix, did you
19 have the opportunity to work with Suzanne Stephensen?

20 A. She is the base manage in Las Vegas. And I
21 had a working relationship with her, but nothing
22 close, because they are two separate basis.

23 Q. Okay. Did you know her while you were
24 working at Phoenix?

25 A. Yes.

1 A. He's the next in the chain of command, yes.

2 Q. Okay. Do you also report to Mike Sims?

3 A. Not any longer.

4 Q. Okay. Did you report to Mike Sims in 2017?

5 A. He was Dave Kissman's director, boss, yes.

6 Q. Okay. And did, did you ever report to
7 their supervisors?

8 A. I don't understand.

9 Q. So did, did you report -- well, let's see.
10 Who, who was Dave Kissman's supervisor?

11 A. Dave Kissman's boss was Mike Sims. It is
12 now Steve Murtoff.

13 Q. Okay. And in 2017, who was Mike Sims'
14 supervisor?

15 A. He reported to Sonya Lacore, our VP of
16 inflight.

17 Q. Okay. Did you ever take issues to Sonya
18 Lacore?

19 A. No, we followed the chain of command.

20 Q. Okay. And were you Charlene Carter's
21 direct supervisor?

22 A. I was the base manager for the Denver base,
23 and she reported to the Denver base.

24 Q. Okay. If she had any issues to take to
25 who -- to her supervisor, who would she take those

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1 responsibilities, did you enforce Southwest
2 disciplinary policies?

3 A. Yes.

4 Q. Okay. And is your -- so did you have the
5 authority to, to fire flight attendants?

6 A. Yes.

7 Q. Okay. Do you know if that was set forth in
8 writing anywhere?

9 A. No, I'm not aware of that.

10 Q. Okay. And I'm not sure that I asked, for
11 the assistant base managers, what are their roles and
12 responsibilities?

13 A. They oversee the supervisors and the
14 coordinators directly that -- with a team of
15 coordinators and supervisors, put up between three of
16 my assistant base managers. And they will make sure
17 the daily operation is running smoothly, they will
18 watch for any emails that may come in that need to be
19 addressed, and/or disseminated to the supervisors for
20 follow-up and those type of things.

21 Q. Now, if there was a disciplinary incident
22 involving a flight attendant operating out of the
23 Denver base, would your assistant base managers have
24 authority to investigate those incidents on their
25 own?

1 Q. You can answer.

2 A. I'm not aware of one.

3 Q. Okay.

4 MR. CORRELL: And, Counsel, real
5 quick.

6 Mr. Schneider, unless I instruct you
7 not to answer the question, you can proceed to answer
8 after I've lodged my objection, okay?

9 THE WITNESS: Yes.

10 Q. Now, when did you first hear that a flight
11 attendant had reported Ms. Carter for her Facebook
12 posts and messages?

13 A. Around February of 2017.

14 Q. Okay.

15 A. I'm not sure on the exact date.

16 Q. And do you know who brought those Facebook
17 posts and messages to your attention?

18 A. If I remember correctly, it was sent to the
19 Las Vegas base and forwarded.

20 Q. Okay. If I could direct you to Exhibit --
21 I'm sorry, document 1. And if you could review that.
22 And once you've had the chance to review it, let me
23 know.

24 A. I have reviewed it.

25 Q. Okay. Do you recognize this?

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1 A. Yes.

2 Q. And what is it?

3 A. It's an email that was sent from Audrey
4 Stone to Suzanne Stephensen --

5 Q. Okay.

6 A. -- regarding her complaint.

7 Q. Okay. And did you receive this complaint,
8 as well?

9 A. It was forwarded to me, yes.

10 Q. Okay. All right. And do you remember who
11 forwarded it to you?

12 A. It was either Suzanne Stephensen, herself,
13 or David Kissman.

14 Q. Okay. Now, before this email was forwarded
15 to you, did you have any other communications about
16 the email?

17 A. No.

18 Q. Okay. Or had you had any communications
19 about the, the matters raised in, in the email?

20 A. Not prior to receiving this.

21 Q. Okay.

22 A. That I'm aware of.

23 Q. Okay. Let's see, and if I could direct you
24 to document 4, and I'll point you to a specific page
25 number. When you have it up, let me know and I'll --

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1 Q. Okay. And did you know who Audrey Stone
2 was?

3 A. Yes.

4 Q. Okay. Had you met Audrey Stone before?

5 A. No.

6 Q. Okay. Had you communicated with Audrey
7 Stone at all?

8 A. Not that I remember.

9 Q. Okay. And so you knew that Audrey Stone
10 was the Local 556 president?

11 A. Yes, I did.

12 Q. Okay. And how did you know that?

13 A. Through communication, and I was at
14 Southwest Airlines when the election happened.

15 Q. Okay. And you knew that she was voted in
16 as president?

17 A. Yes.

18 Q. Okay. And when you say "through
19 communications," through communications with whom?

20 A. There are TWU communications that come out
21 once in a while, and it has her name on the byline as
22 the president of TWU.

23 Q. Okay. You receive those TWU communications
24 directly?

25 A. No.

1 Q. Okay. How do you receive those TWU
2 communications?

3 A. They print them and put them in the
4 lounges. And that is mainly the reason -- or way.
5 We have a place where TWU keeps their documents that
6 they want for the flight attendants available.

7 Q. Okay. Do you receive those TWU
8 communications in any other way, apart from them
9 being posted in the lounges?

10 A. No.

11 Q. Okay. And going back to Dave Kissman's
12 email here, he says, he's in TOPS and can be reached
13 on cell if needed. Did you call Dave Kissman?

14 A. At some point during the investigation, I
15 did, yes.

16 Q. Okay. Do you know if you called him
17 shortly after receiving this email?

18 A. Most likely, yes.

19 Q. Okay. Do you remember if you, you talked
20 to him after giving Suzanne a call?

21 A. I don't remember the specific order, but at
22 some point I did.

23 Q. Okay. Do -- what do you remember about
24 your initial call with Dave Kissman? What did you
25 discuss?

1 that was out there. Contacting employee relations,
2 making them aware that I was beginning an
3 investigation, to get their input. And, and then I
4 would reach out to Audrey Stone and try to set up a
5 meeting so we could discuss and get more details.

6 Q. Okay. So how did you go about collecting
7 information?

8 A. The documents that Suzanne Stephensen
9 received, and making sure I had those and if there
10 was anything else out there that I had forwarded to
11 me.

12 Q. Okay. Did you do anything else to collect
13 information?

14 A. I do recall Facebook posts. And we did --
15 I did have somebody look at Charlene Carter's
16 Facebook to see if there was anything out there that
17 possibly made a Nexus to the Workplace.

18 Q. Okay. Who did you have look at Charlene's
19 Facebook page?

20 A. Meggan Jones, my assistant base manager. I
21 believe that labor relations and possibly ER also did
22 some research on that.

23 Q. Okay. So did -- when did you ask Meggan to
24 look at Charlene Carter's Facebook page for
25 information?

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1 A. It was early in the investigation. I don't
2 specifically remember.

3 Q. Okay. After your call with Suzanne?

4 A. Yes.

5 Q. Okay. And did, did Meggan say that she
6 would do it, she would go out to the -- Charlene's
7 Facebook page and look for information?

8 A. Yes.

9 Q. Okay. And was that communication in person
10 or by email?

11 A. In person.

12 Q. Okay. Does Meggan work closely to you?

13 A. She's one of my assistant base managers.

14 Q. Okay. Well, I guess my question is, does
15 she -- is her office close to yours?

16 A. Yes, they're in the same vicinity.

17 Q. Okay. All right. Do you work next door to
18 each other?

19 A. At the time, her office was across the
20 hallway from mine.

21 Q. Okay. And what, what information did
22 Meggan Jones find on Charlene's Facebook page?

23 MR. CORRELL: Objection, calls for
24 speculation.

25 Q. Do you know what information Meggan Jones

1 found on Charlene's Facebook page?

2 A. There were posts that showed her associated
3 with Southwest Airlines.

4 Q. Okay. And what were those posts?

5 A. Pictures of her wings, pictures of other
6 statements made with Southwest Airlines' logo.

7 Q. Okay. Do you know if those were pictures
8 that Meggan had found?

9 A. I don't, I don't remember specifically who
10 found them. I know that some -- there were several
11 that were given to me.

12 Q. Okay. Do you know if Meggan Jones found
13 some pictures?

14 A. Yes.

15 Q. Okay. And how do you know that?

16 A. She showed them to me.

17 Q. Okay. Do you recall what she showed you?

18 A. I don't remember details, but it had
19 pictures of Charlene Carter and, like I said, logos
20 of Southwest Airlines on printed material that were
21 on her Facebook page, the wings, and pictures of
22 Southwest pilots, if I remember right, and possibly
23 pictures of herself in uniform.

24 Q. Okay. Do you know how soon after asking
25 Meggan to find that information she, she brought it

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1 to you?

2 A. It was the same day.

3 Q. Okay. Now, I think Dave Kissman emailed
4 you on February 23rd. Do you know if, if that was --
5 that information was collected and given to you on
6 February 23rd?

7 A. No, I don't remember that.

8 Q. Okay. All right. Now, I think you, you
9 said you also contacted employee relations to get
10 their input. Is that correct?

11 A. Yes.

12 Q. Okay. And, and why did you want their
13 input?

14 A. I viewed the posts as egregious, and there
15 could have been a violation of our harassment policy,
16 which employee relations oversees.

17 Q. Okay. Now, would employee relations have
18 had any input into other disciplinary violations?

19 A. They're familiar with social media, hazing,
20 bullying, but it's not housed in their area.

21 Q. Okay. So when you reached out to them, you
22 were really seeking their input on whether that, that
23 one policy was violated?

24 A. Yes.

25 Q. Okay. If I could direct your attention to

1 same, same document, document 2, page 4450. Just
2 once you've found it and have had the chance to
3 review it, let me know.

4 A. Okay.

5 Q. Do you recognize this?

6 A. I have seen it, yes.

7 Q. Okay. And what is it?

8 A. It's an email from me to employee
9 relations, and I'm asking for their thoughts on any
10 protected categories that may have been violated.

11 Q. Okay. Now, did you have any communications
12 with employee relations before sending this email?

13 A. No.

14 Q. Okay. So this was your first time reaching
15 out to employee relations?

16 A. Yes.

17 Q. Okay. And it's, I guess, addressed to
18 employee relations DG. Do you know who receives an
19 email at that address?

20 A. It is the employee relations investigators,
21 senior investigators.

22 Q. Okay. Do you know how many of those senior
23 investigators there are?

24 A. I think there's four or five.

25 Q. Okay. Do you know if anybody apart from

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1 those four or five investigators receive emails at
2 that address?

3 A. I'm not aware of that, no.

4 Q. Okay. And you -- I guess you want to know
5 their thoughts on protected categories?

6 A. Yes.

7 Q. And what, what is a protected category?

8 MR. CORRELL: Objection, calls for a
9 legal conclusion.

10 A. As far as I'm aware, it's race, ethnicity,
11 sexual orientation, et cetera.

12 Q. So that's -- and that's what you meant by
13 "protected category" when you were asking for their
14 views on it?

15 A. Yes. Among other things as far as
16 harassment would go.

17 Q. Okay. And why did you think that a
18 protected category was involved here?

19 A. Simply because it depicted several graphic
20 details and -- of fetuses, and if I recall right,
21 female genitalia, things like that.

22 Q. Okay. If -- could I -- so when you, you
23 forwarded the email, did you forward -- excuse me,
24 let me ask it this way: So when you forwarded
25 information for their input, the images you sent,

Page 50

1 A. Yes.

2 Q. Okay. All right. And you do say you
3 wanted to know -- you said, let me know your thoughts
4 on protected categories, et cetera. Was there
5 something else besides protected categories that you
6 were asking them to weigh in on?

7 A. Anything that had to do with harassment of
8 employees, protected categories, any of those type of
9 things that fall under their policies.

10 Q. Okay. So your -- your concern -- well, you
11 wanted to know whether these images involved
12 harassment of Audrey based off of race, religion or
13 one of those other categories you mentioned?

14 A. Yes, their policy involves harassment,
15 sexual harassment, those type. And so sexual
16 harassment was one that I wanted to get weighed in
17 on.

18 Q. Okay. Now, I think you might have also
19 said that one of your next steps was reaching out to
20 Audrey Stone.

21 A. Once I had discussed with employee
22 relations, it -- I like to partner with employee
23 relations and talk to the complainant and get any
24 details that I didn't have at that time.

25 Q. Okay. Do you know if you had discussions

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1 A. I don't. I handle it myself for the most
2 part. But since she is the Facebook person, most
3 adept at it, I reached out to her.

4 Q. Okay. So you believed that Meggan was more
5 adept at Facebook than Hector or -- I forget the
6 other guy's name.

7 A. Dustin. Yes, absolutely.

8 Q. Okay. All right. And so up, up to this
9 point, before -- well, let me, let me back up a bit.

10 So before contacting employee
11 relations, had you discussed the contents of Audrey
12 Stone's email with Meggan Jones?

13 A. I believe so, yes.

14 Q. And I guess you did say that you -- or you
15 did testify that you, you -- that you asked Meggan to
16 go out to Charlene's Facebook page. What were your
17 other discussions with Meggan about the contents of
18 Audrey Stone's complaint?

19 A. Simply that the images were pretty graphic
20 and that I was surprised that those posts were sent
21 to somebody. And I just wanted to know what other
22 posts might be out there. And so that was our
23 discussion.

24 Q. Okay. And what -- how did Meggan respond
25 to you?

1 A. She was the same understanding of it,
2 thought process. And so she went to Facebook and
3 tried to locate anything else.

4 Q. Now, do you know how she received the
5 images?

6 A. Those were on my computer. And I had
7 printed them out to put in my investigation folder.

8 Q. Okay. Okay. Did you -- now, did you ever
9 talk to Hector or Dustin about the content of Audrey
10 Stone's complaint?

11 A. I don't recall specifics discussing with
12 them or showing them. But I know that they were
13 aware simply because we work so close together.

14 Q. Okay. And did -- what, what did they say
15 to you about the contents of Audrey Stone's
16 complaint?

17 A. I don't recall the conversation with them
18 about the contents.

19 Q. Okay. Did --

20 MR. CORRELL: We've been going for
21 about -- I guess we're a little shy of an hour and a
22 half. Can we take a break in the next five, ten
23 minutes?

24 MR. GILLIAM: Yeah, sure. Now is
25 probably okay. Do we want to do a longer break for

1 need to learn the lingo.

2 Okay. And do you know if you did have
3 the information gathering on February 24th?

4 A. I don't know that for sure, if that's what
5 this is saying.

6 Q. Okay. If I could direct your attention to,
7 let's see, document 5. And for others, it's Exhibit
8 5.

9 A. Okay.

10 Q. And do you recognize this?

11 A. Yes.

12 Q. Okay. What is it?

13 A. It's an email to Denise Gutierrez and
14 Maureen Emlet, and attaching the meeting notes from
15 Audrey.

16 Q. Okay. And on the notes there's listed a
17 date.

18 A. On the notes themselves?

19 Q. Yes.

20 A. Okay.

21 Q. Do you know if that's the date that you
22 held the fact-finding meeting?

23 A. If it's the date on these notes, yes,
24 that's the day I held it.

25 Q. Okay. Do you know who prepared these

1 A. I don't remember asking that question.

2 Q. Okay. And what did she tell you about how
3 she had obtained the posts?

4 A. They were sent to her in a private message.

5 Q. Okay.

6 A. A Facebook private message.

7 Q. Did she say that all of the posts were sent
8 to her in a private message?

9 A. I don't recall that. I know that the
10 graphic ones were.

11 Q. Okay. At any point prior to Charlene
12 Carter's termination, do you know if anybody else
13 complained about Charlene Carter's Facebook posts?

14 A. I don't recall that.

15 Q. Okay. And had Charlene ever been
16 disciplined?

17 A. I don't believe she was prior to this.

18 Q. Okay. Now, after -- or do you know if this
19 document here represents the exact notes that Janet
20 took during the meeting?

21 A. Yes.

22 Q. Okay. And are these an accurate
23 representation of the conversations you had in the
24 fact-finding meeting?

25 A. The meeting with Audrey Stone?

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1 Q. Yeah.

2 A. Yes.

3 Q. Okay. Do you know if you had any -- did
4 you have a chance to make revisions to the notes
5 after Janet took them?

6 A. I read through them to make sure that they
7 were a good representation of the meeting and what
8 was discussed.

9 Q. Okay. Did you make any corrections to her
10 notes?

11 A. I don't remember in this one, making
12 corrections specifically.

13 Q. Okay. All right. Now, had, had you
14 reached any conclusions after holding the information
15 gathering with Audrey?

16 A. I reached a conclusion that I needed to
17 have a meeting, a fact-finding meeting with Charlene.

18 Q. Okay. And so what were your next steps
19 after you held the information gathering with Audrey?

20 A. To contact Charlene and set up a
21 fact-finding meeting with her.

22 Q. And after you, after you held the fact --
23 I'm sorry, the information gathering with Audrey, did
24 you communicate with, with anyone else about the fact
25 finding?

1 HRBP would disagree with you, could you independently
2 decide that it was a violation?

3 A. I could, but I don't know for sure if I
4 would in this situation.

5 Q. Okay. Let's see, if I could refer you to
6 document 9. Once you find it and review it, let me
7 know.

8 A. Okay.

9 Q. And do you recognize this?

10 A. The email, yes.

11 Q. Okay. And what is it?

12 A. This is an email from me to Maureen Emlet
13 and Denise Gutierrez, indicating information that
14 Charlene brought into the meeting to present to us.

15 Q. And do you recognize the pages that follow?

16 A. The fact-finding meeting notes with
17 Charlene?

18 Q. Yes.

19 A. Yes.

20 Q. Okay. And do you know if these were -- if
21 this is the final version of the notes?

22 A. As far as I'm aware, looking at it right
23 now, yes.

24 Q. Were there different drafts of these notes?

25 A. Not that I'm aware of.

1 A. No, it's not allowed.

2 Q. Okay. And it -- this -- I guess at the top
3 of the fact-finding notes, it lists who was in
4 attendance. And does that accurately say who, who
5 all participated in the meeting?

6 A. Yes.

7 Q. Okay. Now, did -- were Charlene and Chris
8 in your office for this meeting?

9 A. Yes, they were.

10 Q. Okay. And the notes say, conferenced in
11 via phone, Denise Gutierrez and Edie, Edie Barnett --
12 Edith Barnett. They -- so they were not present,
13 correct?

14 A. Correct.

15 Q. Okay. And I want to step back a second.
16 After the investigation gathering meeting with
17 Audrey, did you determine that you needed more
18 information regarding Facebook posts and social media
19 posts?

20 A. I'm not sure the sequence of events, but
21 during that time, I asked for more Facebook posts. I
22 don't know if they came before or after our meeting.

23 Q. Okay. Do you recall Denise Gutierrez
24 seeking more information on Facebook posts that were
25 made?

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1 A. Yes.

2 Q. Okay.

3 MR. GILLIAM: I'd like to mark the
4 next exhibit. It will be document 20. So I'm not
5 sure which exhibit we are on now. Is it 13? No.
6 14?

7 MR. CORRELL: I believe we are on 14,
8 Counsel.

9 MR. GILLIAM: Okay.

10 So, yeah, if we could mark document 20
11 as Exhibit 14.

12 (Exhibit 14 marked)

13 Q. Mr. Schneider, that will be document 20.

14 A. Document 20?

15 Q. Yes, sir. Have you found it?

16 A. No, I have not.

17 MR. CORRELL: And, Mr. Schneider, to
18 help you, that will be the very last document I sent
19 you. I believe it's by itself in its own email.

20 A. Got it, okay.

21 Q. If you want to just take a moment to look
22 over that. Just let me know once you've reviewed it.

23 A. Okay.

24 Q. And do you recognize this?

25 A. Vaguely.

[Redacted and filed under seal]

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1 you've had a chance to look at it.

2 A. Okay.

3 Q. Okay. So on 4676, towards the bottom,
4 Charlene says, I'm Christian, I'm a conservative and
5 pro-life. Do you see where I'm --

6 A. Yes.

7 Q. Okay. And then she says, this happens to
8 be a huge issue for me and I get the message out
9 wherever I can. And then on the next page, she
10 continues, I think about three or four lines down on
11 the next page, she says, I had an abortion and I
12 regret every bit of it, so I work with other pro-life
13 groups. And for me, as a Christian, if I can get the
14 word out in any way to every group as possible to
15 touch the issue, I do. Do you recall her saying that
16 at the hearing?

17 A. Yes.

18 Q. And did you make any inquiries as to
19 whether Charlene needed a religious accommodation,
20 based on those comments?

21 A. No.

22 Q. Okay. And why not?

23 A. That would be up to her to ask for that.
24 And that would be something that would go through the
25 ACT Team.

1 Q. Okay. And the ACT Team never contacted you
2 about that specific issue, correct?

3 A. No.

4 Q. Okay. And you didn't report it to the ACT
5 Team, correct?

6 A. Report what exactly?

7 Q. Those comments.

8 A. No, I didn't see a reason to do that.

9 Q. Okay. Let's see, then if I could direct
10 you to 4679, same document.

11 A. Okay.

12 Q. And there's a statement here attributed to
13 you, when you were posting on your Facebook page, are
14 you aware of other posts on there that would connect
15 you to Southwest Airlines? And I think what follows
16 is some discussion about some pictures that were
17 shown there. This says, shows pictures of Charlene
18 at work in her uniform. And then one is referenced
19 with a Southwest logo that says, give Herb his old
20 job back. Do you remember those pictures?

21 A. Yes.

22 Q. Do you know if those were the pictures that
23 Meggan Jones had found towards the, I guess,
24 beginning of the investigation?

25 A. I believe so, yes.

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1 Q. Okay. Do you know the, the date those
2 pictures were posted?

3 A. Not specifically, no.

4 Q. Okay. Do you have a general idea?

5 A. No, not at this time, I don't remember.

6 Q. Okay. Do you know how old those were?

7 A. No.

8 Q. Do you know how readily visible those
9 pictures were on her Facebook page?

10 A. If Meggan found them, then they were on the
11 page for Charlene.

12 Q. Okay. I want to direct your attention to
13 4680. And midway down, there's a statement there
14 attributed to you that says -- that starts with, your
15 Facebook post, there's a connection. Do you see
16 where I'm referring?

17 A. Okay.

18 Q. Okay. And it says, you can't have your
19 political views with Southwest as part of your
20 depiction there. Do you know if you have ever fired
21 another flight attendant for posting political views
22 on social media?

23 MR. CORRELL: Objection, asked and
24 answered. Counsel, we've already been through his
25 entire issue of discipline. He's already testified

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1 to me in the meetings.

2 Q. Okay. Did you have discussions with labor
3 relations about whether there was a violation of the
4 social media policy after the fact-finding meeting?

5 A. Yes.

6 Q. Okay. And what were those discussions?

7 A. Simply that it did provide the Nexus to the
8 Workplace, as well as the egregious posts that were
9 on her Facebook page that other people could see.

10 Q. Okay. And the person in labor relations
11 that you had that discussion with was Maureen Emlet;
12 is that correct?

13 A. Correct.

14 Q. Okay. Did you have that discussion with
15 anyone else in labor relations?

16 A. Not that I recall.

17 Q. Okay. And what opinion did Maureen Emlet
18 have that she communicated to you as to a violation
19 of -- as to whether there was a violation of the
20 social media policy?

21 A. That we had pretty solid information on a
22 violation.

23 Q. Okay. And what did she believe the solid
24 information was?

25 MR. CORRELL: Objection, calls for

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1 Q. Okay. What do you remember about the
2 report you made?

3 A. That I was going forward with discipline.

4 Q. Okay. If I could direct your attention to
5 document 6, which is also Exhibit 7.

6 A. Okay.

7 Q. Do you recognize this?

8 A. An email to Maureen Emlet, Denise Gutierrez
9 and Edie Barnett.

10 Q. And do you know what it is?

11 A. I need to read it.

12 Q. Sure. Yeah, please, do.

13 A. It is my synopsis, basically, of the
14 meeting with Charlene Carter and the investigation.

15 Q. Okay. And in this email do you determine
16 whether there's been a violation of the -- of any
17 Southwest policies?

18 A. There's the possibility in this email of
19 violations of a social media, bullying and hazing.
20 But it's still an ongoing investigation.

21 Q. Okay. So were -- so these were not
22 conclusions that Ms. Carter had actually violated
23 these policies?

24 A. I'm not sure at this point if I had
25 completely made my decision on this. I'm -- I don't

1 know the dates, so I can't say specifically of when
2 that determination was made.

3 Q. Okay. And the date of this email is March
4 10th, correct?

5 A. Correct.

6 Q. But based off of the language that you have
7 there, I guess on document 4712, after social media
8 policy, bullying and hazing policy and harassment
9 policy, you don't know if you're making conclusions
10 as to whether those are violated?

11 A. I feel at that point that those were
12 violations of those policies, as highlighted there.
13 So it was part of my determination of that, yes.

14 Q. Okay. Was this your report where you
15 decided on the, the discipline that should be issued
16 to Ms. Carter?

17 A. It's part of my investigation that I would
18 use when I made that determination.

19 Q. Okay. But it's, it's not your final
20 determination as to the discipline that should be
21 issued?

22 A. I'm not sure on the dates of how everything
23 transpired is what I'm saying. So I'm not sure when
24 this was sent, in what part of the investigation.

25 Q. Okay. Well, and I guess one of my

1 policies, apart from the sexual harassment policies,
2 before receiving this email?

3 A. I don't recall the order of making those
4 decisions.

5 Q. Okay. Now, on this email, looks like
6 Denise sends it to you and Suzanne. And do you have
7 any knowledge why Denise sent it to Suzanne?

8 A. Because Audrey Stone is based in Las Vegas
9 and Suzanne is her leader.

10 Q. Okay. And Toni Hamilton is cc'd. Did --
11 do you know -- do you have any knowledge as to why
12 Toni Hamilton is cc'd?

13 A. I'm -- I think that Toni Hamilton was
14 Denise Gutierrez's leader.

15 Q. Okay.

16 A. And she's just letting her know her
17 position.

18 Q. Okay. Now, how soon after receiving this
19 email did you make your final decision as to
20 termination?

21 A. I don't know specific time frames on it.

22 Q. Okay. If I could refer you back to -- it's
23 in here. Document 7.

24 A. Okay.

25 Q. And this is Charlene Carter's termination

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1 letter, correct?

2 A. Correct.

3 Q. So -- and that's dated March 14th. So fair
4 to say you made your decision sometime between March
5 10th and March 14th?

6 A. Yes.

7 Q. Okay. And March 10th was a Friday and
8 March 14th was a Tuesday. Does that help, help you
9 narrow in on the day at all?

10 A. The day of?

11 Q. The day you made a decision as to whether
12 to fire Charlene.

13 A. No, it doesn't. Because with this, with
14 the time frames we're under, I was working on it
15 during that time.

16 Q. Okay. Now, document 7, the termination
17 letter, did you write that termination letter?

18 A. Yes.

19 Q. Okay. Did you have any assistance in, in
20 drafting it?

21 A. Only such as running it past labor to make
22 sure that it was meeting the requirements of my
23 decision.

24 Q. Okay. And what do you mean the
25 requirements of your decision?

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1 A. She could have violated that. I didn't
2 consider -- I mean, I didn't include it in my term
3 letter.

4 Q. Okay.

5 A. Other than just referring to it, possibly.

6 Q. And going back to document 7 again, looking
7 back there.

8 A. Okay.

9 Q. And the beginning of the last paragraph, it
10 says, your conduct could also be a violation of
11 Southwest's policy concerning harassment, sexual
12 harassment, discrimination and retaliation. So did
13 you, did you not make a determination that her
14 conduct did violate that policy?

15 A. I determined that the workplace bullying
16 and hazing policy and the social media policy were
17 the violations that she was terminated for. Also she
18 could have violated other policies. And that's what
19 that's referring to.

20 Q. Okay. Now, copied at the bottom are Sonya
21 Lacore, Mike Sims and Dave Kissman. Did you not send
22 them a draft prior to sending this letter to
23 Ms. Carter?

24 A. No.

25 Q. You did not send them a draft prior?

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1 regarding your decision?

2 A. No.

3 Q. And, you know, I don't mean attorney/client
4 privileged communications. Communications apart from
5 those with your attorney.

6 A. Okay.

7 Q. Now, at any point during the investigation,
8 did you ever ask Ms. Carter if she would take her
9 Facebook posts down?

10 A. I do not recall that discussion.

11 Q. Okay. At any point during the
12 investigation, did you ask Ms. Carter if she would
13 remove any connections to Southwest?

14 A. I don't remember that discussion either.

15 Q. Okay. At any point did you discuss with
16 Ms. Carter whether she would be willing to maybe post
17 a disclaimer on her Facebook page that her posts
18 don't necessarily represent the views of Southwest?

19 A. After the termination?

20 Q. At any point during the investigation.

21 A. I don't remember that discussion.

22 Q. Okay. Now, I guess for -- as part of this
23 discovery process, did you search your files for
24 information responsive to Ms. Carter's discovery
25 request?

1 I, ED SCHNEIDER, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4

5

6

ED SCHNEIDER

7

8 THE STATE OF _____)

9 COUNTY OF _____)

10

11 Before me, _____, on this day
12 personally appeared ED SCHNEIDER, known to me or
13 proved to me on the oath of or through
14 _____ (description of identity card
15 or other document) to be the person whose name is
16 subscribed to the foregoing instrument and
17 acknowledged to me that he/she executed the same for
18 the purpose and consideration therein expressed.

19 Given under my hand and seal of office on this
20 _____ day of _____, _____.

21

22

23

NOTARY PUBLIC IN AND FOR

24

THE STATE OF _____

25

My Commission Expires: _____

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1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

3

CHARLENE CARTER,
Plaintiff,

4

5 vs.

) Case No.
) 3:17-cv-02278-X

6

SOUTHWEST AIRLINES CO., AND
TRANSPORT WORKERS UNION OF
AMERICA, LOCAL 556,
Defendants.

8

9

REPORTER'S CERTIFICATE

10

ORAL VIDEOTAPED DEPOSITION OF ED SCHNEIDER

11

November 3, 2020

12

(Reported Remotely)

13

I, Cheryl Duncan, CSR, in and for the State of

14

Texas, hereby certify to the following:

15

That the witness, ED SCHNEIDER, was duly sworn

16

and that the transcript of the deposition is a true

17

record of the testimony given by the witness;

18

I further certify that pursuant to FRCP Rule

19

30(f)(1) that the signature of the deponent:

20

___X___ was requested by the deponent or a party

21

before the completion of the deposition and is to be

22

returned within 30 days from date of receipt of the

23

transcript. If returned, the attached Changes and

24

Signature Pages contain any changes and the reasons

25

therefor;

1 _____ was not requested by the deponent or a
2 party before the completion of the deposition.



3 That pursuant to information given to the
4 deposition officer at the time said testimony was
5 taken, the following includes all parties of record
6 and the amount of time used by each party at the time
7 of the deposition:

8 Mr. Matthew B. Gilliam (3 hours, 41 minutes)
Mr. Michael A. Correll (02 minutes)
9 Mr. Ed Cloutman (00 minutes)

10 That \$_____ is the deposition officer's
11 charges to the Plaintiff for preparing the original
12 deposition and any copies of exhibits.

13 I further certify that I am neither counsel for,
14 related to, nor employed by any of the parties in the
15 action in which this proceeding was taken, and
16 further that I am not financially or otherwise
17 interested in the outcome of this action.

18 Certified to by me on this 12th day of
19 November, 2020.

20  

21 Cheryl Duncan, CSR

22 Texas CSR 3371

23 Expiration: 04/30/21

24 Firm Registration Number 38

25 Bradford Court Reporting, L.L.C.

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